

AO 91 (Rev 8/01) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## United States District Court

DEC 21 2019

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

Kevin Estuardo Boletzuy-Diaz

## CRIMINAL COMPLAINT

Case Number: M-19-3126-M

IAE YOB: 1992

Guatemala

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about December 20, 2019 in Starr County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Guatemala in pursuance of law, and thereafter was found near Rio Grande City, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Kevin Estuardo Boletzuy-Diaz was encountered by Border Patrol Agents near Rio Grande City, Texas on December 20, 2019. The investigating agent established that the defendant was an undocumented alien and requested record checks. The defendant claims to have illegally entered the United States on December 20, 2019, near Rio Grande City, Texas. Record checks revealed the defendant was formally deported/excluded from the United States on July 31, 2019 through Phoenix, Arizona. Prior to deportation/exclusion the defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On June 21, 2019 the defendant was convicted of Child Cruelty and sentenced to seventy-nine (79) days confinement and four (4) years probation.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on December 21, 2019.

Continued on the attached sheet and made a part of this complaint:

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

☐ Yes ☒ No

/s/ Mickel Gonzalez

Signature of Complainant

Mickel Gonzalez

Printed Name of Complainant

December 21, 2019

12:02 p.m.

Date

Peter E Ormsby

, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer